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**FILED**  
MAY 02 2008  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE CONNETICS CORPORATION  
SECURITIES LITIGATION

CASE NO. 3:07-cv-02940-SI

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

VICTOR ZAK'S NOTICE  
OF MOTION AND MOTION TO DISMISS  
PLAINTIFF'S SECOND AMENDED  
CONSOLIDATED CLASS ACTION  
COMPLAINT; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF

Date: August 15, 2008  
Courtroom: 10  
Time: 9:00 a.m.  
Judge: Honorable Susan Illston

ZAK'S MOTION TO DISMISS  
CASE NO. 3:07-CV-02940-SI

**NOTICE OF MOTION AND MOTION; RELIEF REQUESTED**

PLEASE TAKE NOTICE that on August 15, 2008, at 9:00 a.m., or at such later date and time as the Court may order, in Courtroom 10 of the above-captioned court, located at 450 Golden Gate Avenue, San Francisco, California, Defendant Victor Zak ("Defendant" or "Zak") will and hereby does move to dismiss Lead Plaintiff's Second Amended Consolidated Class Action Complaint ("SAC").

Zak seeks an order dismissing the Complaint with prejudice under the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 (the "Reform Act") and Federal Rules of Civil Procedure 9 and 12(b)(6) (respectively, "Rule 9" and "Rule 12(b)(6)"). This motion is based on this Notice; the Memorandum of Points and Authorities, *infra*; the Proposed Order; the Court's files for this action; and any oral argument of counsel at the hearing. Zak also formally joins the motion to dismiss of Defendant Connetics Corporation and of defendant Alexander Yaroshinsky.

**JOINDER IN MOTION TO DISMISS OF CONNETICS CORPORATION**

Zak formally joins the motion to dismiss of Defendant Connetics Corporation ("Connetics"). This motion incorporates Connetics' motion and the contentions made therein. Connetics' motion demonstrates that the SAC should be dismissed because it fails to plead the requisite elements of a securities fraud claim against any defendant, specifically, the Plaintiff lacks standing and fails to properly allege particular facts showing misrepresentation or scienter.

**JOINDER IN MOTION TO DISMISS OF DR. YAROSHINSKY**

Zak also formally joins the motion to dismiss of Defendant Alexander Yaroshinsky. This motion incorporates motion by Yaroshinsky and the contentions made therein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Please note that Zak didn't have any association with Connetics and couldn't be involved in alleged misleading public statements or in so-called "channel stuffing" even if they did take place. His name was added to the very latest version of the first amended complaint and only 20 paragraphs out of 392 in SAC (around 5%) have anything to do with Zak.

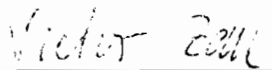
The SAC fails to plead any insider trading claim against Zak because it failed to a) Allege facts with particularity evincing that Plaintiff traded contemporaneously with Zak b) Plead specific facts giving rise to a strong inference of Zak's scienter c) Sufficiently Plead an Underlying Section 10(b) Violation.

Also, plaintiff seeks relief that is not available under Section 20A.

The claims against Zak should be dismissed with prejudice on the basis of the arguments articulated in the briefs filed by the other defendants, which Zak adopts and incorporates by reference.

Dated: May 1, 2008

By



Victor Zak (*pro se*)